

REMARKS

The present application contains claims 25, 28-36, and 39-45. To better distinguish their application over the art of record, applicants have amended claims 25, 28, 36, and 39, while cancelling claim 26-27, 37-38, and 46-47. Applicants request reconsideration of the claims in view of the amendments thereto.

35 U.S.C. § 112 Rejections of Claims 46-47

Claims 46-47 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the examiner contends that the “de-embedding” feature recited in claims 46-47 lacks antecedent basis in the specification.

Applicants have cancelled claims 46-47, thereby rendering this rejection moot.

35 U.S.C. § 102(b) Rejection of Claims 25-27, 32, 34-38, 43 and 45-47

Claims 25-27, 32, 34-38, 43, and 45-47 stand rejected under 35 U.S.C. § 102(b) as anticipated by US Patent 6,134,243 in the name of Annie Jones et al (hereinafter, “the Jones et al. patent”). Applicants traverse the rejection.

The Jones et al. patent recites a technique for processing media data (e.g., audio-visual files) by including data indicating the manner in which such data should undergo transmission. In particular, the Jones et al. patent suggests embedding such data in a hint track in the file.

To better distinguish their invention over the art of record, applicants have amended claims 25 and 36 to include the feature of embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file. Thus, claims 25 now includes the features of claims 26 and 27 (now cancelled), whereas claim 36 now includes the features of claims 37 and 38 (now cancelled).

In rejecting applicants’ claims, the examiner contends that the Jones et al. patent discloses embedding parameter information in a Session Data Protocol payload, as now recited in amended claims 25 and 36. In this regard, the examiner points to Col. 25, line 56 of the Jones in support of the rejection.

Applicants respectively disagree with the examiner's characterization of the Jones et al. patent. For this reason, applicants have reproduced Col. 24, lines 51-57 of Jones et al. below:

The hint track is related to its base media track by a single track reference declaration. (RTP does not permit multiplexing of media within a single RTP stream). The sample description for RTP declares the maximum packet size which this hint track will generate. Session description (SAP/SDP) information is stored in user-data atoms in the track.

Notwithstanding the examiner's allegation to the contrary, Jones et al. does not contain any disclosure or suggestion of **embedding** the parameter information in the Session Data Protocol payload in the hint track. At best, Jones et al. discloses the desirability of embedding the Session Data Protocol (SDP) information in the hint track. However, Jones et al. says nothing about embedding anything in the SDP itself.

With regard to anticipation, the Federal Circuit has held that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added). In this regard, the examiner has not established a *prima facie* case of anticipation of claims 25, 28-36, and 38-45 since the examiner has not shown that Jones et al. discloses or suggests embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file. Given that Jones et al. does not disclose or suggest all of the features of applicants' claims 25, 28-36, and 38-45, applicants request withdrawal of the 35 U.S.C. § 102(b) rejection of these claims.

35 U.S.C. § 103(a) Rejection of Claims 28 and 39

Claims 28 and 39 stand rejected under 35 U.S.C. § 103(a) as obvious over the Jones et al. patent, in view of US Published Application 2005/0004968 in the name of Jari Mononen et al. (hereinafter, "the Mononen et al. published application"). In rejecting claims 28 and 39, the examiner contends that Jones et al. teach applicants' features of embedding the parameter information, but fails to disclose encoding the parameter information in Multipurpose Internet Mail Extensions (MIME). To

overcome the deficiency of Jones et al., the examiner relies on the Mononen et al. published application. Applicants traverse the rejection.

As discussed above, the Jones et al. patent fails to teach or suggest the feature of embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file. The Mononen et al. published application concerns a technique for sharing information among mobile terminals in a wireless network. An information server receives request from mobile terminals, each of which makes use of a special protocol to address the server.

The system architecture disclosed in the Mononen et al. published application admittedly makes use of MIME to define rules for labeling different types of transmissions. Further, the Mononen et al. published application makes use of the Session Initiation Protocol/Session Description Protocol (SIP/SDP) for instant messaging and rich call session control. However, like the Jones et al. patent, the Mononen et al. published application says nothing about embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file, as recited in claims 25 and 36 from which claims 28 and 29 depend, respectively. Therefore, the combination of Jones et al. and Mononen et al. fail to disclose or suggest all of the features of claims 28 and 39.

Given that the combination of Jones et al. and Mononen et al. fail to teach all of the features of applicants' claims 28 and 39, these claims patentably distinguish over the art of record. Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of these claims.

35 U.S.C. § 103(a) Rejection of Claims 29-31, 33, 40-42 and 44

Claims 29-31, 33, 40-42 and 44 stand rejected under 35 U.S.C. § 103(a) as obvious over the Jones et al. patent, in view of the MPEG 2001/N4858 publication. In rejecting these claims, the examiner contends that Jones et al. teaches everything recited in these claims except transmitting the parameter information out-of-band. For this teaching, the examiner relies on the MPEG 2001/N4858 publication. Applicants traverse this rejection.

As discussed above, the Jones et al. patent fails to teach or suggest the feature of embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file. The MPEG 2001/N4858 publication concerns

storage of AVC (Advanced Video Coding) content for MPEG 4 files. In particular, the MPEG 2001/N4858 publication states in Section 3.14 that each slice undergoes decoding against a set of parameter values, which are presumably sent out of band or in stream.

The MPEG 2001/N4858 publication does not remedy the deficiency of the Jones et al. patent. Nowhere does the MPEG 2001/N4858 publication disclose or suggest embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file, as recited in claims 25 and 36 from which claims 29-31, and 33 and claims 40-42, and 44 depend, respectively. Thus, the combination of the Jones et al. patent and the MPEG 2001/N4858 publication does not disclose all of the features of claims 29-31, 33, 40-42 and 44. Accordingly, applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of these claims.

Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. **07-0832**.

Respectfully submitted,
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October 11, 2010